

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COASTAL RESOURCES MANAGEMENT COUNCIL
4808 TOWER HILL ROAD; SUITE 3, WAKEFIELD, RI 02879
(401) 783-3370

Application for State Assent to perform work regulated by the provisions of Chapter 279 of the Public Laws of 1971 Amended.

APPLICATION FOR BUFFER ZONE MANAGEMENT

| | | |
|---|--------|--------------------|
| | | File No. |
| Location No. | Street | City/Town |
| Owner's Name | | Plat No. |
| Lot No. | | |
| Mailing Address _____ | | Res. Tel. # _____ |
| City/Town _____ State _____ Zip Code _____ | | Bus. Tel. # _____ |
| Contractor RI Lic. # | | Address |
| Tel. No. | | |
| Designer | | Address |
| Tel. No. | | |
| Name of Waterway _____ Est. Project Cost \$ _____ | | Fee/Costs \$ _____ |

Have you or any previous owner filed an application for and/or received an assent for any activity on this property? ____
Please Note File Number(s): _____

IS THIS APPLICATION BEING SUBMITTED IN RESPONSE TO A COASTAL VIOLATION?
YES _____ NO _____ NOV OR C&D NUMBER: _____

FEES:

| | |
|--|----------|
| For areas less than 1/2 acre | \$ 50.00 |
| For areas between 1/2 and 1 acre | \$100.00 |
| For areas between 1+ acres and 5 acres | \$250.00 |
| For areas greater than 5 acres | \$500.00 |

Describe accurately the work proposed. (Use additional sheets of paper if necessary and attach this form.)

Owner's Signature: _____ Date _____

NOTE: The applicant acknowledges by evidence of their signature that they have reviewed the Rhode Island Coastal Resources Management Program, and have, where possible, adhered to the policies and standards of the program. Where variances or special exceptions are requested by the applicant, the applicant will be prepared to meet and present testimony on the criteria and burdens of proof for each of these relief provisions. The applicant also acknowledges by evidence of their signature that to the best of their knowledge the information contained in the application is true and valid. The filing of false information can result in the Coastal Resources Management Council revoking state assent. Applicant requires that as a condition to the granting of this assent, members of the CRMC or its staff shall have access to the applicants property to make on-site inspections to insure compliance with the assent. This application is made under oath and subject to the penalties of perjury.

Rev. 1/00

PLEASE REVIEW REVERSE SIDE OF APPLICATION FORM

BUFFER ZONE MANAGEMENT APPLICATIONS

APPLICATION SUBMITTAL REQUIREMENTS

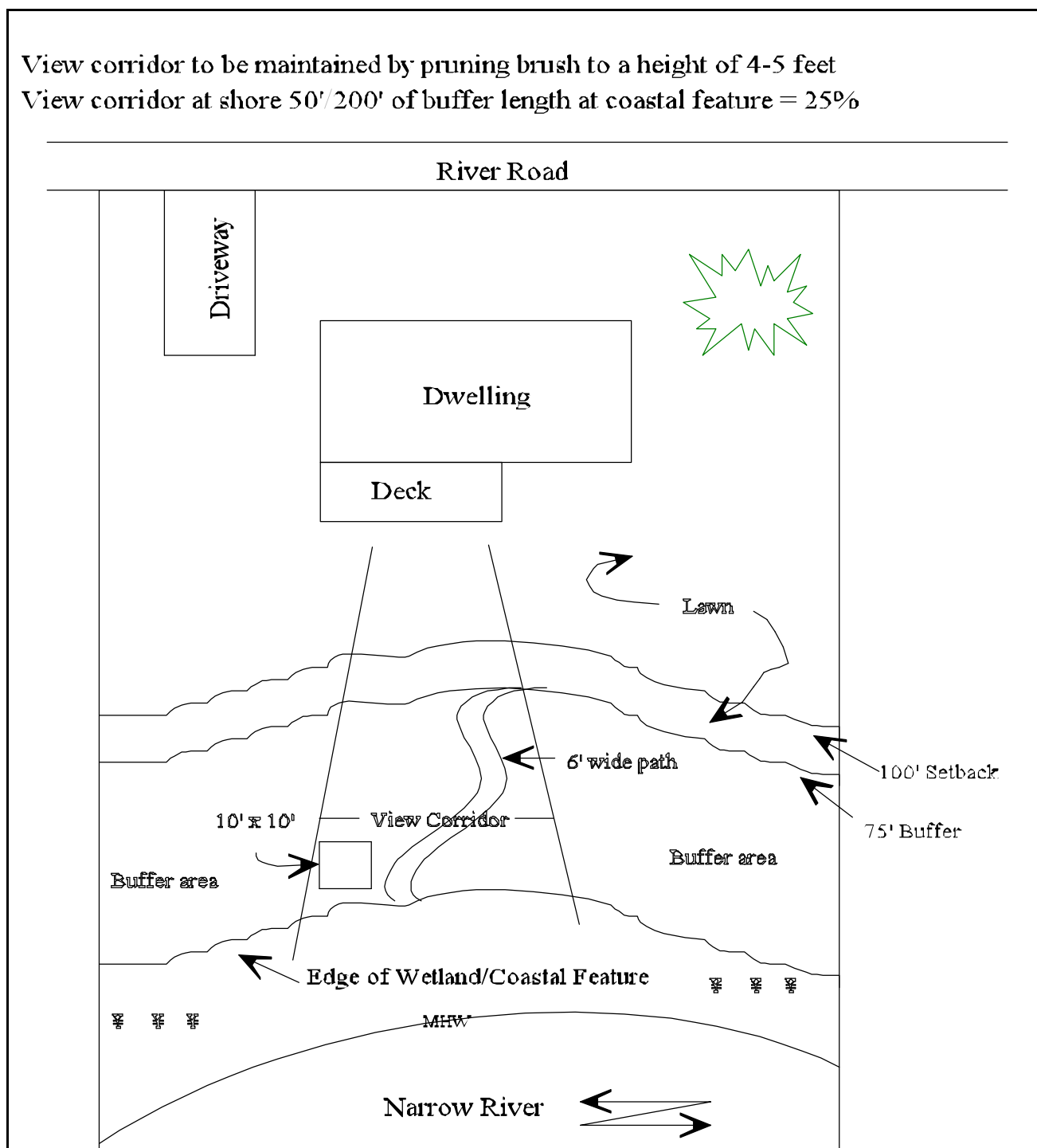
1. **Application Form:** Four copies of completed application form with full description of proposed work.
2. **Application Fee:** See front page of application form. The fee is based on the area of the buffer zone or existing naturally vegetated area in which management will occur.
3. **Proof of Property Ownership:** The CRMC requires a letter from the local tax assessor stating ownership of the property. The owner of the property must sign the application form. A potential purchaser of the property may submit the application provided a valid signed sales agreement accompanies the application and the application form has been signed by the current property owner.
4. **Site Plan:** Four copies of the proposed site plan must be submitted. The site plan must show accurate dimensions (to scale) of the property and all areas of proposed work. All site plans must be legible and clearly show all proposed management information. The plan must show the water's edge, coastal (shoreline) feature, area of proposed management (previously permitted buffer zones must be shown and labeled), location of dwellings, septic systems and other structures, and nearest roadway. In order for the plan to be referenced within a CRMC permit, all site plans must have a title block indicating the plan title, location by town, plat and lot, street address, author of plan and plan date with any subsequent revision dates. (*Note: See CRMC Buffer Zone Management Guidance and sample plan for further information*).
5. **Photographs:** Photographs of the proposed area of management should be submitted. Photographs will aid in the review process and help expedite the application particularly for minor work such as removing a few select trees. In cases of minor work, notes may be written directly on the photos (such as circling the tree to be removed).

CRMC COASTAL BUFFER ZONE MANAGEMENT GUIDANCE

A. GUIDELINES FOR PREPARING AN APPLICATION FOR COASTAL BUFFER ZONE MANAGEMENT:

1. All proposals for buffer zone management must be designed with respect to the one or more of the "Management Options" identified in Section "B" of these guidelines and must utilize appropriate techniques for managing vegetation as defined in Section "C".
2. Photographs and site plans must be submitted for all applications in order to minimize the need for on-site inspections. Actual field inspections will only be performed when deemed necessary by CRMC staff. All applications should be complete, clear and concise. Applications which are unclear or imprecise will be returned.
3. Applications which propose acceptable alterations within Coastal Buffer Zones (as determined by CRMC staff) will be processed as a "Category "A" and will receive administrative approval. In cases where CRMC staff determines the application to be unacceptable, an effort will be made to negotiate a resolution with the applicant. If a favorable resolution cannot be reached, CRMC staff will make a recommendation to the Executive Director that the application be processed as a Category "B" review requiring final decision by the full Coastal Council.
4. All proposals for Coastal Buffer Zone management should involve minor alterations which do not depreciate the values and functions of Coastal Buffer Zones as defined by Section 150 of the RICRMP. At a minimum, **at least sixty (60%)** of a buffer zone shall remain completely unaltered. Typically, Coastal Buffer Zone Management Plans which affect **25% or less** of a buffer zone are more likely to be approved. Areas to remain unaltered should be clearly identified on the proposed plans. An exception to this requirement is allowed for "**Suburban Coastal Buffer Zones**" - see Section B.6 of this Guidance material.
5. Where appropriate, Coastal Buffer Zone management may be applied to Coastal Banks. However, the CRMC may impose greater restrictions on alterations affecting coastal banks.
6. Tree damage and removal - in cases where a small number of dead, diseased, or storm damaged trees need to be removed from a buffer zone, the applicant may request an expedited review. In such cases, a description of work and a photograph of the area may be sufficient for CRMC review.

Figure 1: Example of an adequate buffer zone management plan drawn by owner.



Buffer Management Plan for

John Smith
Plat A, Lot 1
Narragansett, RI

Drawn by Owner, dated 1/1/2000

signed _____

B. MANAGEMENT OPTIONS WITHIN COASTAL BUFFER ZONES:

1. Shoreline Access Paths - Pathways which provide access to the shoreline are normally considered appropriate. Pathways may be 6' wide or less and follow a winding, but direct path that does not promote erosion within the buffer zone. Shoreline access paths must be designed to minimize disturbance and may be prohibited in sensitive habitat areas, including but not limited to, coastal wetlands. Pathways may be vegetated with grasses and mowed or may be surfaced with crushed stone or mulch. Fertilizers may only be allowed for the initial establishment of grassed pathways. Proper site plans must be submitted which show the location of the proposed path through the buffer zone. Applicants may also be required to delineate the path on site for CRMC staff inspection.
2. View Corridors - Selective tree removal and pruning and thinning of natural vegetation may be allowed within a defined corridor in order to promote a view of the shoreline. Only the minimal alteration of vegetation necessary to obtain a view shall be considered acceptable (clear cutting is not allowed). Shoreline access paths (if proposed) should be located within a view corridor to minimize disturbance within the buffer. Applicants proposing a view corridor must prepare a plan showing the view corridor's location within the Coastal Buffer Zone with respect to view points from a dwelling or other viewing area. View corridors are typically trapezoidal in shape, being narrow at the inland edge and expanding toward the shore. On residential lots of 2 acres or less, only **one view corridor** is typically considered acceptable. View Corridors may not affect more than **25 % of the length** of the Coastal Buffer Zone as measured along the shoreline feature. View Corridors may be prohibited in sensitive or critical habitat areas.
3. Habitat Management - The management of natural vegetation within a Coastal Buffer Zone to either enhance wildlife habitat or control nuisance and/or non-native species of vegetation may be allowed where it is demonstrated that the existing environmental conditions will be improved for native plantlife and wildlife. Additionally, homeowner control of nuisance species of vegetation such as European Bittersweet and poison ivy are considered acceptable **within managed portions** of Coastal Buffer Zones. However, the indiscriminate use of herbicides is prohibited and fertilizers may only be used to enhance the replanting of native vegetation. In addition, maintaining a buffer zone in a "landscaped condition", or establishing lawn are not considered appropriate habitat management activities and are prohibited. In Coastal Buffer Zones encompassing **one acre** or more, clearing may be allowed to establish field conditions which contain **native** grasses and herbaceous plants. In such cases, clearing for field establishment shall not affect more than **25%** of the Coastal Buffer Zone. All Buffer Zone Management plans involving habitat management within a Coastal Buffer Zone of one acre or more, or in sensitive or critical habitat areas (as determined by CRMC staff) shall submit a buffer zone management plan prepared by a qualified environmental professional or biologist.
4. Safety and Welfare - Selective tree removal and pruning and thinning of natural vegetation within a Coastal Buffer Zone may be allowed on a case-by-case basis for proven safety and welfare concerns (e.g., removal of a damaged or diseased tree in close proximity to a dwelling). In order to promote child safety and manage pets in areas harboring ticks, fences along the inland edge of a Coastal Buffer Zone and along shoreline access paths or shoreline recreation areas may be permitted (fences must be of an "open" type construction to permit the passage of wildlife, e.g. split rail or similar). Coastal Buffer Zone management plans shall include methods of avoiding problem areas such as the proper placement and maintenance of paths.

5. Shoreline Recreation - The CRMC recognizes that shoreline recreation is one of the predominant attractions for living on, or visiting the Rhode Island coast. In order to allow for such uses, minor alterations of Coastal Buffer Zones may be permitted along the shoreline if they are determined to be consistent with CRMC's goals and policies as noted in the Rhode Island Coastal Resources Management Program (RI CRMP). Appropriate alterations typically include maintaining a small clearing along the shore for picnic tables, benches, and recreational craft (dinghies, canoes, day sailboats, etc.). Additionally, where appropriate, the CRMC may allow small **(200 sq. ft. total floor space, or less)**, non-habitable structures including storage sheds, boat houses, and gazebos within Coastal Buffer Zones. Due to the potential for these structures to impact natural values provided by Coastal Buffer Zones, the Council shall exercise significant discretion in this area.

6. Suburban Coastal Buffer Zones - Where the Coastal Buffer Zone requirement is **25' or less (as per RICRMP Section 150, Table 2a)**, the CRMC shall consider such buffer zones "Suburban Coastal Buffer Zones". Suburban Coastal Buffer Zones may be managed in their entirety (100%) by selective tree removal, selective pruning, selective thinning and restorative planting. However, the CRMC may require that several trees be maintained or planted to protect scenic quality.

C. APPROPRIATE TECHNIQUES FOR MANAGING VEGETATION WITHIN A COASTAL BUFFER ZONE:

1. Selective Tree Removal - In cases where the applicant wishes to remove a few select trees, trees proposed to be cut must be specifically identified for CRMC staff review. In most cases, photographs of the buffer area may be sufficient provided the affected trees are clearly shown in relation to the surrounding buffer and shoreline. Trees may also be marked on-site to allow inspection by CRMC staff. In order to minimize disturbance and allow monitoring by CRMC staff, tree stumps of fallen trees shall not be removed. CRMC staff may make a follow-up inspection to verify that only marked trees were cut based upon stump counts. Should the applicant wish to remove a fallen tree from the buffer zone, this must be performed in a manner which does not disturb remaining vegetation. Selective tree removal is often a preferred technique for the establishment of a view corridor.

2. Selective Pruning - Pruning as defined for CRMC purposes involves cutting branches from trees, tree saplings and shrubs. For certain Coastal Buffer Zone Management options, pruning the tops of shrubs and forest undergrowth (topping) may be appropriate to discourage growth in height. On level ground, shrubs and forest undergrowth should be pruned to a height of **not less than 4'-5'**. In areas where the ground surface descends toward the shoreline, topping should only be performed to a height that allows a view of the water. Applicants proposing pruning must describe in detail the work proposed, provide photographs and a site plan, and/or mark those portions of the Coastal Buffer Zone where vegetation will be pruned on-site. The species of vegetation to be pruned should be identified since some species of vegetation cannot tolerate excessive pruning or topping. Selective pruning is often a preferred technique for the establishment of a view corridor.

3. Selective Thinning - Thinning as defined for CRMC purposes involves the selective removal of tree saplings, shrubs and vines occurring in brush areas and in the undergrowth of forested buffer zones. Applicants proposing thinning must describe in detail the work proposed, provide photographs and a

site plan, and/or mark areas to be thinned on-site. The species of vegetation to be removed from a Coastal Buffer Zone management area must be differentiated from those species which are to be retained and encouraged. Selective thinning is often a preferred technique in areas where habitat management will be performed.

4. Restorative Planting - For purposes of Coastal Buffer Zone Management, restorative planting shall be strictly defined as the planting or replanting of **natural vegetation native to the Rhode Island shoreline**. However, naturalized species such as Rugosa Rose may be allowed, as determined by CRMC staff. The planting of non-native, landscape and exotic species, in most cases, shall not be considered appropriate in Coastal Buffer Zones.

5. Mowing - In most cases, mowing of vegetation within a Coastal Buffer Zone shall be prohibited unless associated with the establishment and maintenance of shoreline access path or approved shoreline recreation area. However, for certain habitat management options, annual or biannual mowing may be allowed to maintain field vegetation where such vegetation is considered valuable to wildlife and other natural values. In such cases, mowing shall be confined to **25%** of the Coastal Buffer Zone area, or less.

6. Clearing - Clearing or clear-cutting of vegetation within a Coastal Buffer Zone shall only be allowed for the establishment of shoreline access paths, shoreline recreation areas and in certain cases, habitat management options which are designed to maintain a field of native grasses and herbaceous plants. Clearing shall not effect more than **25%** of the Coastal Buffer Zone area. Clearing for habitat management shall not be allowed in Coastal Buffer Zones of less than one acre.

7. Filling and grading - Minor filling (10 cubic yards or less) and grading shall only be allowed in Coastal Buffer Zone areas for the establishment of shoreline access paths and shoreline recreation areas. Certain minor cutting and filling activities may also be allowed on a case-by-case basis to promote these uses. Filling and grading shall not be allowed for habitat management options.